



\$~56

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 1459/2024**

AMAR RHODE & ORS.

..... Petitioners

Through: Mr. Bipin Kumar and Mr. Sanjeev Arora, Advs. with petitioners in person.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR..... Respondents

Through: Mr. Raj Kumar, APP for State with SI Rahul Kumar PS Vivek Vihar
Mr. H.S. Gulati, Adv. for R2 with respondent no. 2

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **22.02.2024**

CRL.M.A. 5753/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 1459/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.10/2020 under Sections 498A/406/34 IPC registered at Police Station Vivek Vihar, Shahdara, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



5. The petitioner no.1 (former husband), petitioner nos. 2 – 6, who are close relatives of petitioner no. 1, as well as, respondent no. 2 (former wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Rahul Kumar PS Vivek Vihar.
6. The brief facts of the case are that the marriage between the petitioner no.1 and respondent no. 2 was solemnized on 01.12.2017 according to Hindu Rites and Customs. Out of the said wedlock, no child was born.
7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 08.06.2019. The dispute between the parties also led to the registration of present FIR.
8. During the pendency of the proceedings, the parties were referred to Mediation Centre, Karkardooma Courts, Delhi where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 21.04.2023, which is annexed as Annexure P3 to the present petition.
9. In terms of the said settlement, the parties decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, the petitioner no.1 and respondent no.2 have obtained a decree of divorce dated 06.09.2023, which is annexed as Annexure P4 to the present petition.
10. It is a term of the settlement between the parties that the petitioner no.1 shall pay a total sum of Rs.9,00,000/- to the respondent no.2 towards full and final settlement of all her claims on account of *streedhan*, permanent alimony, dowry articles, maintenance (past, present and future) etc. Out of the said amount, a sum of Rs. 6,00,000/- has already been paid by the petitioner no.1 to the respondent no.2 in the manner as mentioned in the settlement. The remaining amount of Rs.3,00,000/- has been paid to the



respondent no.2 today in the court by the petitioner no.1 by way of Demand Draft bearing No.980678 dated 26.10.2023 revalidated on 15.02.2024 issued by Punjab National Bank, Hari Nagar, New Delhi-110058.

11. The receipt of entire amount of Rs.9,00,000/- is acknowledged by the respondent no.2, who is present in court.

12. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

13. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.10/2020 under Sections 498A/406/34 IPC registered at Police Station Vivek Vihar, Shahdara, Delhi alongwith all other proceedings emanating therefrom, is quashed.

16. The petition stands disposed of in the above terms.

17. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

FEBRUARY 22, 2024

N.S. ASWAL